APHC010575162026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (Special Original Jurisdiction)

[3460]

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 31410/2026

Between:

1. THOTA SIVARAMA KRISHNA,, OCC FIELD ASSISTANT S/O SAMBAIAH, AGED ABOUT 45 YEARS, R/O D.NO. 1-61A, KOLLIMARLA VILLAGE, KAKUMANU MANDAL, GUNTUR DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.
2. THE DISTRICT COLLECTOR AND DISTRICT PROGRAM COORDINATOR COORDINATOR OF MGNREGS, GUNTUR DISTRICT - 522004.
3. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, TADEPALLI, GUNTUR DISTRICT - 522501.
4. THE PROJECT DIRECTOR CUM ADDITIONAL DISTRICT COORDINATOR, MGNREGS, DISTRICT WATER MANAGEMENT AGENCY (DWMA) GUNTUR DISTRICT,

GUNTUR - 522004.

5. THE MANDAL PARISHAD DEVELOPMENT OFFICER/PROGRAM OFFICER, MGNREGS, MANDAL PRAJA PARISHAD, KAKUMANU MANDAL, GUNTUR DISTRICT - 522112.

6. KOLLIMARLA GRAM PANCHAYAT, REP. BY ITS SECRETARY, KOLLIMARLA VILLAGE, KAKUMANU MADNAL, GUNTUR DISTRICT - 522316.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue a Writ, Order or Direction particularly one in the nature of WRIT OF MANDAMUS, declaring the action of Respondent No.4 in issuing the impugned proceedings vide Rc.No.111/FA SM/2023, dated 26.09.2026, temporarily cancelling the petitioner's contractual engagement and disengaging him from service as Field Assistant of Kollimarla Gram Panchayat, on substantially the very same allegations which formed the subject matter of the earlier proceedings dated 22.11.2025 and W.P.No.34533 of 2025, without properly considering the final order dated 29.12.2025 passed by this Hon'ble Court therein, as illegal, arbitrary, unreasonable, unconstitutional, violative of Articles 14 and 21 of the Constitution of India, contrary to the Field Assistants Human Resource Policy and the principles of natural justice, and consequently SET ASIDE the impugned proceedings dated 26.09.2026 and direct Respondent Nos.4 and 5 to forthwith restore the petitioner to duty as Field Assistant of Kollimarla Gram Panchayat with all consequential benefits,

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased SUSPEND the operation

of the impugned proceedings vide Rc.No. 111/FA SM/2023, dated 26.09.2026, issued by Respondent No.4 by directing Respondent Nos.4 and 5 to permit/reinstate him to discharge his duties as Field Assistant of Kollimarla Gram Panchayat under MGNREGS forthwith, pending disposal of the above Writ Petition,

Counsel for the Petitioner:

1. VENKATA DURGA RAO ANANTHA

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.31410 of 2026

O R DE R:

1. The present Writ Petition is filed questioning the action of Respondent No. 4 in issuing the impugned proceedings vide Rc.No.111/FASM/2023, dated 26.09.2026, and keeping the Petitioner out of employment as Field Assistant of Kollimarla Gram Panchayat, Kakumanu Mandal, Guntur District, as illegal and arbitrary.

2. The facts leading to the filing of the case are as follows:

The Petitioner was working as Field Assistant in Kollimarla Gram Panchayat, Kakumanu Mandal, Guntur District from 06.05.2007 and on a complaint given by the villagers, enquiries were conducted and vide proceedings dated 03.11.2025, Petitioner was warned against those mistakes. Again, another complaint was made on 10.11.2025 and vide Rc.No.111/FASM/2023, dated 22.11.2025, the contract of service was temporarily cancelled and Petitioner was disengaged from service as Field Assistant. On the same day, a show cause notice dated 22.11.2025 and the Petitioner submitted his explanation dated 28.11.2025, denying the allegations.

3. As no further action was being taken thereon, the Petitioner had filed W.P.No.34533 of 2025 before this Court, and this Court, vide its order dated 29.12.2025 in the said Writ Petition, had directed Respondent No.4 therein to reinstate the Petitioner into service. Consequent thereto, the Petitioner was reinstated into service. Again the services of Petitioner were temporarily cancelled pursuant to another complaint on 26.09.2026. The Petitioner was called upon to give explanation to the show cause issued on the same day. Aggrieved by the same, the Writ Petition is filed.

4. It is the contention of the learned counsel for the Petitioner that as the enquiry proceedings were not concluded within the time specified in Clause 13 (B)(5) of the Field Assistants Human Resource Policy i.e. 30 days, the Petitioner is entitled to be reinstated into service. The counsel also relied on an order passed in similar circumstances by a co-ordinate Bench of this Court in W.P.No.16643 of 2025.

5. Learned standing counsel Sri M.S.R.Chandra Murthy, submits that the enquiry is going on and the same would be concluded at the earliest. The further contention is that the

guidelines are not statutory and even otherwise, no consequence is stated for non-compliance of the time frame of 30 days and therefore, the same cannot be said to be mandatory. The maintainability of the Writ Petition was also urged as the nature of job of the Petitioner is akin to Labour.

6. Having heard the respective counsel, this Court, without going into the issues urged by the Respondent-Counsel, is inclined to dispose of the Writ Petition in terms of W.P.No.16643 of 2025 with a direction to the Respondent-Authorities to reinstate the Petitioner into service and to conclude the enquiry after providing due opportunity of hearing to the Petitioner within a period of two (02) months from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition is disposed of. No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 28.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated: 28.10.2026

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